

certain equipment to Grimes County, Texas.

The resolution was read and was referred by the President to the Committee on Highways and Motor Traffic.

Adjournment

On motion of Senator Lemens, the Senate, at 12:50 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, February 6, 1939.

APPENDIX

Reports of Committees on Enrolled and Engrossed Bills

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 4 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 119 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 72 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 103 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 84 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had S. B. No. 105 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

SIXTEENTH DAY

(Monday, February 6, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 2, 1939, was dispensed with and the Journal was approved.

(President Pro Tempore Moore in the Chair.)

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Moffett:

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768; creating and providing a uniform budget system for the State, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Kelley:

S. B. No. 151, A bill to be entitled "An Act to authorize the presiding judge in any contested civil case involving land titles to determine whether or not the cause or the defense is unmeritorious in fact and substance and in his discretion, upon request of the prevailing party, to fix and render judgment for a reasonable Attorney's fee; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Kelley:

S. B. No. 152, A bill to be entitled "An Act to add a new clause to Sec. 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Call Session, as amended by Acts of 1937 defining agricultural labor, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Kelley:

S. B. No. 153, A bill to be entitled "An Act providing that in all civil cases submitted to juries on special issues in the District and County Courts of this State, no complaint or objection to the form or content of any special issue so submitted nor to the form or content of any definition accompanying same may be considered by the trial court, nor may any assignment of error in any Appellate Court of this State be based thereon, unless such complaint or objection is accompanied by a proper special issue or definition to be submitted in lieu of the one or ones so objected to; provided that nothing herein contained shall be construed

as preventing the consideration of objections to special issues or definitions on the ground that the subject matter thereof should not be submitted to the jury in any form, provided that this Act shall not apply to any case pending in any court of this State on or before the effective date hereof, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Kelley:

S. B. No. 154, A bill to be entitled "An Act to amend the Acts of 1925, Thirty-ninth Legislature, page 86, Chapter 25, Section 77, as added to by Acts of 1929, Forty-first Legislature, page 578, Chapter 280, Section 9, Article 7880-77a, by re-enacting Section (b) under said Section 77a of Article 7880 of the Revised Civil Statutes of 1925, so that limitation shall not run or be pleaded against any taxes or assessments provided for in Sections 106, 107, 108 and 109 of Chapter 25, the specific purpose of this Act being to re-enact said Section (b) which has been held invalid by the United States District Court, in Re: American Rio Grande Land and Irrigation Company, D. C. 21 Federal Reporter Supp. 492, because the provision therefor was not set forth in the caption of the Bill wherein said Section (b) was enacted, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Moore:

S. B. No. 155, A bill to be entitled "An Act, providing that it shall be unlawful to hunt, take, kill, pursue, catch, possess, buy or sell any game bird, game animal, fish, shrimp, oyster, crabs, diamond back terrapin, fur-bearing animal, or attempt to do so by any means, method or device, other than such as may hereafter be permitted; repealing all laws relating thereto, excepting certain laws; providing that the Game, Fish and Oyster Commission shall make certain defined studies determining certain specified information, and on such basis grant privileges that may be justified; prescribing the method of issuing such Proclamation; providing for a Shooting Preserve Manager's License; defining a Shooting Preserve and the rights and privileges in con-

nection therewith; fixing the price of a Shooting Preserve Manager's License, and the fees to be collected by such Manager and other regulations appertaining to a Shooting Preserve; providing for a resident hunting license and a non-resident hunting license, the fees to be charged for same and certain exemptions and other regulations appertaining to licensed hunting; providing for an Angler's License and the fee for same; providing for the disposition of monies collected under the provisions of this Act; providing for the repeal of certain laws in conflict with the provisions of this Act; providing a suitable penalty for violation of any provision of this Act; providing a rule of construction and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Redditt:

S. B. No. 156, A bill to be entitled "An Act providing that the Clerk of the Supreme Court shall receive certain fees for services not otherwise provided by law, allowing the Supreme Court to fix such fees, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 157, A bill to be entitled "An Act authorizing the adoption and enforcement of county zoning regulations; providing for the purposes of such law; prescribing for the creation of a Planning Board, and providing for the duties and procedure of such Board; providing for the creation and formulation of plans for zoning regulations and providing for the regulation of the opening of county roads and for the conditions under which such roads shall be opened; providing for the regulation of buildings, factories and other structures adjacent to and adjoining county roads and for the issuance of permits for the construction thereof; providing for the regulation and zoning of places of business which sell, have on display or offer for sale intoxicating liquors and vinous or malt beverages as defined by the Texas Liquor Control Act; providing for protests of the recommendations of the Planning Board to the Commissioners' Court and providing for appeals from the action of the Com-

missioners' Court; providing for the authorization of injunctive relief against violations thereof; providing if any article, section, sentence, phrase or clause of this Act is held to be unconstitutional, such decision shall not affect the remaining portion of this Act; repealing all laws or parts of laws in conflict herewith, and providing that this law shall be cumulative of all laws not inconsistent herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Lemens:

S. B. No. 158, A bill to be entitled "An Act authorizing municipalities, political subdivisions, and taxing districts to effect a plan for the composition of their indebtedness under the provisions of the Federal Bankruptcy Laws enacted by the Congress of the United States, and declaring an emergency."

Referred to Committee on State Affairs.

Additional Signer of Bill

On motion of Senator Metcalfe, and by unanimous consent, the name of Senator Kelley was added to S. B. No. 54 as a signer thereof.

Report of Standing Committee

Senator Stone of Galveston, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

S. B. No. 132, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in Counties having a population of not less than 17,600 and not more than 17,700 according to the United States Census of 1930; providing for the levying of a direct tax of not more than ten cents on the valuation of \$100.00, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital; authorizing and empowering the Commissioners'

Court to lease any County Hospital to be operated by the Lessee under such terms and conditions as may be satisfactory to the Commissioners' Court and the Lessee, and declaring an emergency,"

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senate Bill 132 on Second Reading

On motion of Senator Stone of Galveston, and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration of S. B. No. 132 at this time.

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 132, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in Counties having a population of not less than 17,600 and not more than 17,700 according to the United States Census of 1930; providing for the levying of a direct tax of not more than ten cents on the valuation of \$100.00, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital; authorizing and empowering the Commissioners' Court to lease any County Hospital to be operated by the Lessee under such terms and conditions as may be satisfactory to the Commissioners' Court and the Lessee, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

Senate Bill 132 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Hill
Collie	Isbell

Kelley
Lanning
Lemens
Martin
Metcalf
Moffett
Moore
Nelson
Pace
Redditt
Roberts

Shivers
Small
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Head

Spears

The President Pro Tempore then laid S. B. No. 132 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Head

Spears

Senate Bill 93 on Second Reading

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8th, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws

on the subject of roads and bridges and General Laws on funding or re-funding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

Senate Bill 93 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Head Spears

The President Pro Tempore then laid S. B. No. 93 before the Senate on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—29

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace
Isbell	Redditt

Roberts	Stone
Shivers	of Washington
Small	Sulak
Stone	Van Zandt
of Galveston	Weinert
	Winfield

Absent—Excused

Head Spears

Recess

On motion of Senator Redditt, the Senate, at 10:20 o'clock a. m., took recess to 11:30 o'clock a. m. today.

After Recess

The President called the Senate to order at 11:30 o'clock a. m.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 192, A bill to be entitled "An Act amending Article 2350 (4) of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 277, Acts of the Forty-fifth Legislature of Texas, Regular Session."

H. B. No. 271, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand one hundred thirty (4,130) and not more than four thousand one hundred eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 281, A bill to be entitled "An Act creating a Special Road Law for Potter County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its

Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 324, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 325, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act to validate all county line independent rural high school districts partly situated in three (3) counties, the supervision of said schools being located in counties having a population of not less than eleven thousand, four hundred and twelve (11,412) nor more than eleven thousand, nine hundred (11,900), as

shown by the last preceding Federal Census, validating the actions of the County School Board of Trustees of such counties; validating all proceedings and actions of said Boards of Trustees; providing a saving clause, and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending, and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act providing a closed season for fishing on Caddo Lake; fixing a penalty for violation of any provision of this Act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935, and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and/or Highway Department in a Court of competent jurisdiction, for damages resulting by reason of the Texas Highway Department withholding a certain sum as liquidated damages, which is due and owing to the said A. B. Murdock, for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provision of this Act shall be invalid, the invalidity of the provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making appropriations therefor; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State Officials in reference thereto; prescribing the maximum rate of interest to be paid; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; providing for the payment of any warrants issued under the provisions of this Act; limiting the amount of warrants to be issued hereunder to not more than Nine Hundred Thousand (\$900,000.00) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; making this Act cumulative of other laws by providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than thirty-four thousand (34,000) nor more than thirty-four thousand two hundred (34,200), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county, and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session."

H. B. No. 274, A bill to be entitled "An Act creating a Special Road Law for Parker County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14th, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 276, A bill to be entitled "An Act to prohibit the use of any trap, seine or net of any kind or character for the purpose of taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas, for a period of three (3) years from and after the effective date of this Act; prescribing a penalty therefor, providing, however, that this Act shall not prohibit the use of a minnow seine in such river, and declaring an emergency."

H. B. No. 293, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District, and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas (1925) by adding a new Article to be known as Article 5139A providing for the establishment of a Juvenile Board in counties having a population of sixty-four thousand (64,000) inhabitants and not more than sixty-five thousand (65,000) inhabitants, according to the last preceding Federal Census, providing for the compensation of the Members of said Board, and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52 of the Consti-

tution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions, and declaring an emergency."

H. B. No. 296, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed in Texas, providing fees for such permits, clarifying certain terms used under the seed certification program, providing penalties, and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred eighty (7,680) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act to amend Article 4494 of the Revised Civil Statutes of Texas, 1925, by adding 4494b to allow counties of certain size to lease their county hospitals, and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act applying to counties which have a population of five thousand, five hundred and eighty-six (5,586) in the Federal Census of 1930 and a scholastic population of one thousand, six hundred and ninety-four (1,694) in the scholastic year 1938-1939, and providing exemptions relative to tax rates, and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen (7,015) and not less than six thousand, six hundred and eighty-five (6,685) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Bill Re-referred

On motion of Senator Shivers, and by unanimous consent, S. B. No. 152 was re-referred from the Committee on Agriculture to the Committee on State Affairs.

Report of Standing Committee

Senator Kelley, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
February 6, 1939.

Hon Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5¢) Cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement, and development of such counties, and their county seats; and declaring an emergency,"

Have had the same under consideration and we beg to report back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

House Bill 77 on Second Reading

On motion of Senator Kelley, and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration of H. B. No. 77 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5¢) Cents on the One Hundred

(\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement, and development of such counties, and their county seats; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 77 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid H. B. No. 77 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalf
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Roberts

Shivers
Small
Spears
Stone
of Galveston

Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Report of Standing Committee

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 29, A resolution "Authorizing the State Highway Department to lend scarifier, for use on County roads, to Grimes County, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Respectfully,
BROWNLEE, Chairman.

House Concurrent Resolution 29

On motion of Senator Burns, and by unanimous consent, the Senate agreed to consider H. C. R. No. 29 at this time.

The President then laid before the Senate:

H. C. R. No. 29, Authorizing the State Highway Department to lend scarifier, for use on county roads, to Grimes County, Texas.

The resolution was read and was adopted.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Spears:

S. B. No. 159, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irriga-

tion system, or ports thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Joint Session

At 11:40 o'clock a. m., the President announced that the hour fixed by concurrent action of the two Houses for a joint session to hear an address by President Homer P. Rainey of The University of Texas had arrived, and requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were duly admitted and were escorted to seats already prepared for them along the aisle.

The President of the Senate by invitation of the Speaker, occupied a seat on the Speaker's stand.

Hon. W. Lee O'Daniel, Governor of Texas, was invited by the House to occupy a seat on the Speaker's stand and was escorted to the stand by Representatives Wood, Daniel, Wells, Hunt and Burkett.

The Speaker of the House called the joint session to order.

Dr. Homer P. Rainey, President of The University of Texas, was announced at the bar of the House, and was escorted to the Speaker's stand by Senators Brownlee, Winfield, Aikin and Redditt, on the part of the Senate, and Representatives Thornberry, Langdon, Baker of Fort Bend, Cornett, Riviere, Newell and Goodman, on the part of the House.

The Speaker of the House presented the President of the Senate, who introduced President Rainey to the joint session.

President Rainey then addressed the joint session.

At the conclusion of the address and the joint session, the Senate repaired to the Senate Chamber.

In the Senate

The President called the Senate to order at 12:30 o'clock p. m.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 30, to Committee on Game and Fish.

H. B. No. 134, to Committee on Game and Fish.

H. B. No. 159, to Committee on State Affairs.

H. B. No. 179, to Committee on State Affairs.

H. B. No. 192, to Committee on Counties and County Boundaries.

H. B. No. 212, to Committee on Highways.

H. B. No. 228, to Committee on Towns and City Corporations.

H. B. No. 236, to Committee on Counties and County Boundaries.

H. B. No. 264, to Committee on Game and Fish.

H. B. No. 271, to Committee on Education.

H. B. No. 274, to Committee on Highways and Motor Traffic.

H. B. No. 276, to Committee on Game and Fish.

H. B. No. 281, to Committee on Highways and Motor Traffic.

H. B. No. 293, to Committee on Highways and Motor Traffic.

H. B. No. 296, to Committee on Agriculture.

H. B. No. 301, to Committee on Game and Fish.

H. B. No. 316, to Committee on Mining, Irrigation and Drainage.

H. B. No. 321, to Committee on Civil Jurisprudence.

H. B. No. 324, to Committee on State Affairs.

H. B. No. 325, to Committee on State Affairs.

H. B. No. 349, to Committee on Highways and Motor Traffic.

H. B. No. 351, to Committee on Game and Fish.

H. B. No. 356, to Committee on Counties and County Boundaries.

H. B. No. 360, to Committee on Education.

H. B. No. 367, to Committee on State Affairs.

H. B. No. 373, to Committee on Public Lands and Land Office.

H. B. No. 378, to Committee on Counties and County Boundaries.

H. B. No. 380, to Committee on Counties and County Boundaries.

H. B. No. 386, to Committee on Game and Fish.

H. B. No. 395, to Committee on Counties and County Boundaries.

Advance Printing of Bills

On motion of Senator Moffett, and by unanimous consent, it was ordered that S. B. No. 150 be printed in advance of its consideration in committee.

On motion of Senator Aikin, and by unanimous consent, H. B. No. 179 was ordered printed in advance of its consideration in committee.

Report of Standing Committee

Senator Collie, by unanimous consent, submitted at this time the following report of the Committee on Public Lands and Land Office:

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Public Lands, to whom was referred

H. B. No. 373, A bill to be entitled "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending; and, declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

House Bill 373 on Second Reading

On motion of Senator Shivers, and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of H. B. No. 373 at this time.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 373 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Beck	Ne'son
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent

Burns	Small
Cotten	Sulak
Hill	

The President laid H. B. No. 373 before the Senate, on its second reading and passage to third reading.

The bill was read second time, and was passed to third reading.

House Bill 373 on Third Reading

The President then laid H. B. No. 373 before the Senate on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—24

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

Absent

Beck	Hill
Burns	Small
Cotten	Sulak
Head	

Adjournment

On motion of Senator Stone of Washington, the Senate, at 12:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Thomas Peter Lee

(Senate Resolution 20)

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, On Saturday, February 4, 1939, Thomas Peter Lee of Houston, Texas, was called to the Great Beyond; and

Whereas, Texas and these United States thereby lost one of its most distinguished and able citizens; one who had contributed much to the city and State of his adoption and to the entire country; a man who by virtue of hard work and devotion to duty helped to make available to mankind many of the rich resources of this State; a man whose generous but unassuming character endeared him to all who knew him; now, therefore, be it

Resolved by the Senate of the State of Texas, That we express regret at the passing of this outstanding citizen and extend to his family our sincere sympathy in their great loss; and be it further

Resolved, That a copy of this resolution be mailed to each member of his family.

MOORE,
SHIVERS.

The resolution was read; and on motion of Senator Moore, and by unanimous consent, it was considered immediately and was adopted unanimously.